

**December 29, 2008
SPECIAL COUNCIL MEETING
PARMA CITY HALL COUNCIL CHAMBERS
6:00 P.M.**

The Special Council Meeting was called to order by President of Council Charles M. Germana presiding.

COUNCIL MEMBERS PRESENT:	ROY J. JECH LARRY NAPOLI KENNETH A. RAMSER THOMAS REGAS SCOTT M. TUMA SEAN P. BRENNAN BRIAN DAY MARY GALINAS
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COUNCIL MEMBER ABSENT:	NICHOLAS J. CELEBREZZE
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Mr. Mastroianni - The Roll of Council has been called, and I find a quorum of Council members present.

The following officials and department heads were also present: Mayor Dean E. DePiero, Chief Assistant Law Director Tim Miller, Auditor Dennis M. Kish, Treasurer Anthony C. Zielinski, Safety Director Gregory Baeppler, Chief of Staff Meghann McCall, and Clerk of Council Tom Mastroianni.

NOTICE OF SPECIAL MEETING OF COUNCIL

The State of Ohio)	
Cuyahoga County) ss.	To <u>Police Chief Daniel Hoffman:</u> Greetings
City of Parma)	

WHEREAS, it appears that the public business of this City requires that the Council meet in Special session to consider such business as may come before it, and,

WHEREAS, I have convened and do hereby convene said City Council to meet in Special session on the twenty-ninth day of December A.D. 2008, at 6:00 o'clock P.M. Eastern Standard time at the Council Chamber in said City, to consider such matters as may come before it as fully and completely as might be done in regular session of said Council: -

Special Finance Committee Meeting
Special Public Safety Committee Meeting
Special Governmental Operations Committee Meeting
Special Council Meeting - Please see attached Agenda
Regular Committee Meetings

You are therefore commanded to summon: Mayor Dean E. DePiero, Auditor Dennis M. Kish, Law Director Timothy Dobeck, Treasurer Anthony C. Zielinski, Service Director Brian Higgins, Safety Director Gregory Baeppler, Council President Charles M. Germana, Sean Brennan, Nicholas J. Celebrezze, Brian Day, Mary Galinas, Roy J. Jech, Larry Napoli, Kenneth A. Ramser, Thomas Regas, Scott M. Tuma, Council Members and Thomas Mastroianni Clerk of said Council, to meet in Special Session as aforesaid for the purposes aforesaid.

Hereof fail not and have you then and there this Writ, with your return thereon in what manner you have executed the same.

In testimony whereof, I have hereunto set my hand and caused the Corporate Seal of said City to be hereunto affixed, this 26th day of December A.D. 2008

	<u>/s/ Charles M. Germana</u>
City of Parma	PRESIDENT OF COUNCIL CHARLES M. GERMANA
	<u>ROLL CALL ORDER</u>
	Roy Jech
	Larry Napoli
	Kenneth Ramser
	Thomas Regas
	Scott Tuma
	Sean Brennan
	Nicholas Celebrezze
	Brian Day
	Mary Galinas

**CERTIFICATE OF SERVICE
NOTICE OF SPECIAL MEETING OF COUNCIL**

I, Daniel A. Hoffman, Chief of Police of the City of Parma, Ohio, do hereby certify that on December 26, 2008, I received the notices of a Special Meeting of Council, a copy of which is attached hereto, and that in accordance with the instructions given to me, I have served each person named in the notice with the notice either personally or by leaving a copy of such notice and the last of the persons named on the notices was served at his usual place of residence with notice on December 26, 2008 at 1555 hrs o'clock P.M., which date and time is more than twelve hours prior to the time of the Special Meeting.

/s/ Daniel A. Hoffman
Daniel A. Hoffman
Chief of Police,
City of Parma, Ohio

DISPENSE WITH THE REGULAR ORDER OF BUSINESS

Motion made by Councilman Jech, seconded by Councilman Day, to dispense with the regular order of business and to waive the Rules of Council at this time in order to hold this Special Council Meeting. Further moved to remove on Page 3 of the Calendar Resolution No. 370-08 under Suspension of the Rules. Motion carried.

LEGISLATIVE COMMENT

Mr. Germana - Asked if anyone from the public would like to address Parma City Council concerning legislation which we will be acting on.

Dennis Kampe, 4611 Sarasota Drive - Comments were inaudible.

FIRST READING:

	ORDINANCE NO. 364-08	12/29/08	L-364-08
BY: S. TUMA			
(By Request - Mayor)			

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO
A CONTRACT WITH TUCKER ELLIS & WEST LLP FOR THE
PURPOSES OF MANAGEMENT AND COORDINATION OF THE
RADIO COMMUNICATION WORKING GROUP WHICH WORKS TO
ESTABLISH, EXPAND, AND MARKET THE CITY'S INTEROPERABLE
PUBLIC SAFETY COMMUNICATION SYSTEM, AND DECLARING
AN EMERGENCY

**FIRST READING CONTINUED:
(ORDINANCE NO. 364-08 CONTINUED)**

Mr. Germana - Said Ordinance will be referred to the Finance Committee.

ORDINANCE NO. 365-08 12/29/08 L-365-08

BY: **S. TUMA**

(By Request - Recreation Director)

AN ORDINANCE TO AMEND SECTION 185.05(b) "FEES OF
THE DIRECTOR OF PUBLIC SERVICE" OF THE CODIFIED
ORDINANCES OF THE CITY OF PARMA, RELATIVE TO
FEES FOR THE RIDGEWOOD MUNICIPAL GOLF COURSE,
AND DECLARING AN EMERGENCY

Mr. Germana - Said Ordinance will be referred to the Finance Committee.

ORDINANCE NO. 366-08 12/29/08 L-366-08

BY: **S. BRENNAN**

(By Request - Community Services and Economic Development Director)

AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC
SERVICE, OR HIS AUTHORIZED REPRESENTATIVE, TO RENEW THE
CONTRACT WITH SALVATORE CONSIGLIO, CPA, INC., FOR THE
PREPARATION OF VARIOUS DETAILED FINANCIAL REPORTS ON A
MONTHLY BASIS AND FEDERAL CASH TRANSACTION REPORTS ON
A QUARTERLY BASIS TO BE FILED WITH THE DEPARTMENT OF
HOUSING AND URBAN DEVELOPMENT (HUD) FOR THE
DEPARTMENT OF COMMUNITY SERVICES & ECONOMIC
DEVELOPMENT FOR THE PERIOD OF FEBRUARY 1, 2009, THROUGH
JANUARY 31, 2010, AND DECLARING AN EMERGENCY

Mr. Germana - Said Ordinance will be referred to the Finance Committee.

ORDINANCE NO. 374-08 12/29/08 L-374-08

BY: **S. TUMA**

(By Request - Mayor)

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN
AGREEMENT FOR STATE LEVEL CONSULTING SERVICES FOR THE
CITY, AND DECLARING AN EMERGENCY

Mr. Germana - Said Ordinance will be referred to the Finance Committee.

SECOND READING:

ORDINANCE NO. 349-08 12/15/08 L-349-08

BY: **M. GALINAS**

(By Request - Safety Director)

AN ORDINANCE TO ENACT CHAPTER 718 "CONCESSIONS,
SECOND READING CONTINUED:
(ORDINANCE NO. 349-08 CONTINUED)

CARNIVALS, AND FAIRS"; TO AMEND SECTION 767.01
"DEFINITION" OF CHAPTER 767 "PUBLIC OUTDOOR SHOWS";
AND TO AMEND A PORTION OF SUBSECTION (c) "BUSINESS
REGULATION CODE" OF SECTION 185.04 "FEES OF THE
DIRECTOR OF PUBLIC SAFETY" OF THE CODIFIED ORDINANCES
OF THE CITY OF PARMA, AND DECLARING AN EMERGENCY

Motion made by Councilwoman Galinas, seconded by Councilman Day, to
refer Ordinance No. 349-08 back to the Public Safety Committee. Motion carried.

ORDINANCE NO. 354-08 12/15/08 L-354-08

BY: **M. GALINAS**

(By Request - Safety Director)

AN ORDINANCE AUTHORIZING THE MAYOR AND THE DIRECTOR
OF PUBLIC SAFETY TO ENTER INTO A CONTRACT WITH COX
BUSINESS SERVICES FOR A HIGH BANDWIDTH INTERNET AND
DATA NETWORK FOR THE FIRE DEPARTMENT, AND DECLARING
AN EMERGENCY

Motion made by Councilman Tuma, seconded by Councilman Day, to refer
Ordinance No. 354-08 back to the Finance Committee. Motion carried.

THIRD READING:

ORDINANCE NO. 329-08 11/17/08 L-329-08

BY: **M. GALINAS**

(By Request - Safety Director)

AN ORDINANCE AUTHORIZING THE MAYOR AND THE
DIRECTOR OF PUBLIC SAFETY TO ENTER INTO A
CONTRACT WITH THE LOWEST AND BEST BIDDER
FOR THE RENOVATION OF THE KITCHENS AT FIRE
STATIONS 4 AND 5 IN THE CITY OF PARMA,
AND DECLARING AN EMERGENCY

Motion made by Councilwoman Galinas, seconded by Councilman Day, to
hold Ordinance No. 329-08 on Third Reading. Motion carried.

ORDINANCE NO. 338-08 12/1/08 L-338-08

BY: **S. M. TUMA**

(By Request - City Engineer/Building Commissioner)

AN ORDINANCE AUTHORIZING THE MAYOR AND THE
DIRECTOR OF PUBLIC SAFETY TO ENTER INTO A CONTRACT

FOR TRAFFIC ENGINEERING SERVICES, AND DECLARING AN
EMERGENCY

THIRD READING CONTINUED:

(ORDINANCE NO. 338-08 CONTINUED)

Motion made by Councilman Tuma, seconded by Councilman Day, to amend Ordinance No. 338-08 under Third Reading as follows: In Section 3, insert "Fund No. 001-027 Engineering, and Account No. 62110-338-08 Professional Services." Further moved to waive Rule 51 and place Ordinance No. 338-08 under Third Reading as amended for final passage." Motion carried.

Motion made by Councilman Jech, seconded by Councilman Day, to adopt Ordinance No. 338-08 as amended.

Yes: Jech, Napoli, Ramser, Regas, Tuma, Brennan, Day, Galinas.

No: None; Ordinance No. 338-08 is adopted as amended.

RESOLUTION NO. 339-08 12/1/08 L-339-08

BY: **T. REGAS, L. NAPOLI**

(By Request - City Engineer/Building Commissioner)

A RESOLUTION TO APPROVE AND ADOPT THE EQUALIZATION
BOARD REPORT FOR SANITARY SEWER IMPROVEMENTS FOR
BRADENTON BOULEVARD, SUNHAVEN OVAL, SUNRISE OVAL,
KNOWLES DRIVE, PLEASANTVIEW DRIVE, MELODY LANE,
A PORTION OF HOERTZ ROAD AND A PORTION OF BONNY
BOULEVARD, AND DECLARING AN EMERGENCY

Motion made by Councilman Jech, seconded by Councilman Day, to adopt Resolution No. 339-08.

Yes: Jech, Napoli, Ramser, Regas, Tuma, Brennan, Day, Galinas.

No: None; Resolution No. 339-08 is adopted.

ORDINANCE NO. 340-08 12/1/08 L-340-08

BY: **T. REGAS, L. NAPOLI**

(By Request - City Engineer/Building Commissioner)

AN ORDINANCE DETERMINING TO PROCEED WITH THE
IMPROVEMENT OF BRADENTON BLVD., SUNHAVEN OVAL,
SUNRISE OVAL, KNOWLES DRIVE, PLEASANTVIEW
DRIVE, MELODY LANE, A PORTION OF HOERTZ ROAD,
AND A PORTION OF BONNY BOULEVARD IN THE
CITY OF PARMA, OHIO, BY CONSTRUCTING SANITARY
SEWERS, AND DECLARING AN EMERGENCY

Motion made by Councilman Tuma, seconded by Councilman Day, to amend Ordinance No. 340-08 under Third Reading as follows: In Section 4, Line 2, insert "December 29, 2008". Further moved to waive Rule 51 and place Ordinance No. 340-08 under Third Reading as amended for final passage. Motion carried.

Motion made by Councilman Jech, seconded by Councilman Day, to adopt Ordinance No. 340-08 as amended.

Yes: Jech, Napoli, Ramser, Regas, Tuma, Brennan, Day, Galinas.
No: None; Ordinance No. 340-08 is adopted as amended.

THIRD READING CONTINUED:

ORDINANCE NO. 348-08 12/1/08 L-348-08
BY: **S. BRENNAN**, ROY J. JECH, LARRY NAPOLI, KENNETH A. RAMSER,
THOMAS REGAS, SCOTT M. TUMA, BRIAN DAY, MARY GALINAS
(By Request - Law Director)

AN ORDINANCE AUTHORIZING THE DIRECTOR OF
PUBLIC SERVICE TO ENTER INTO A CONTRACT WITH
THE E GROUP FOR CONSULTING SERVICES RELATING
TO ELECTRIC AGGREGATION ISSUES, AND DECLARING
AN EMERGENCY

Motion made by Councilman Napoli, seconded by Councilman Day, to amend Ordinance No. 348-08 under Third Reading by accepting the attached Exhibit "A". Further moved to waive Rule 51 and place Ordinance No. 348-08 under Third Reading as amended for final passage. Motion carried.

Motion made by Councilman Jech, seconded by Councilman Day, to adopt Ordinance No. 348-08 as amended.

Yes: Jech, Napoli, Ramser, Regas, Tuma, Brennan, Day, Galinas.

No: None; Ordinance No. 348-08 is adopted as amended.

SUSPENSION OF THE RULES:

Mr. Germana - Shall the statutory provision and Rule 47 requiring the full and distinct reading of Ordinance No. 368-08, Resolution No. 369-08, and Resolution No. 371-08 on three different days be dispensed with?

Yes: Jech, Napoli, Ramser, Regas, Tuma, Brennan, Day, Galinas.

No: None; motion carried.

Mr. Germana - Shall Rule 44 requiring reference to Committee be dispensed with and Ordinance No. 368-08, Resolution No. 369-08, and Resolution No. 371-08 be placed on final passage?

Yes: Jech, Napoli, Ramser, Regas, Tuma, Brennan, Day, Galinas.

No: None; motion carried.

ORDINANCE NO. 368-08 12/29/08 L-368-08
BY: **S. M. TUMA**
(By Request - Auditor)

AN ORDINANCE TO AMEND THE 2008 PERMANENT
APPROPRIATIONS OF THE CITY OF PARMA, OHIO, AND
DECLARING AN EMERGENCY

Motion made by Councilman Napoli, seconded by Councilman Day, to amend Ordinance No. 368-08 under Suspension of the Rules by accepting the attached Exhibit "A". Motion carried.

Auditor Kish - Stated that on the advice of the State Auditors a couple of year ago, we're doing a final amended appropriation which includes all departments within the General Fund and all other funds. It assists them in doing their work in review of the audits, rather than review individual amendments throughout the year.

SUSPENSION OF THE RULES CONTINUED:

(ORDINANCE NO. 368-08 CONTINUED:

They can go to the final and then audit that against our appropriations and expenditures in one document.

Motion made by Councilman Jech, seconded by Councilman Day, to adopt Ordinance No. 368-08 as amended.

Yes: Jech, Napoli, Ramser, Regas, Tuma, Brennan, Day, Galinas.

No: None; Ordinance No. 368-08 is adopted as amended.

RESOLUTION NO. 369-08 12/29/08 L-369-08

BY: **S. M. TUMA**

(By Request - Auditor)

A RESOLUTION APPROVING THE CITY AUDITOR'S POST
CERTIFICATION OF REQUISITIONS AS DETAILED IN EXHIBIT
"A" AND DECLARING AN EMERGENCY

Motion made by Councilman Jech, seconded by Councilman Day, to adopt Resolution No. 369-08.

Councilwoman Galinas - Asked a question regarding a cell phone bill listed on the post certifications.

Chief of Staff Meghann McCall - Comments inaudible.

Yes: Jech, Napoli, Ramser, Regas, Tuma, Brennan, Day, Galinas.

No: None; Resolution No. 369-08 is adopted.

RESOLUTION NO. 371-08 12/29/08 L-371-08

BY: **S. M. TUMA**

(By Request - Auditor)

A RESOLUTION APPROVING THE CITY AUDITOR'S CASH
ADVANCES, AND DECLARING AN EMERGENCY

Motion made by Councilman Tuma, seconded by Councilman Day, to amend Resolution No. 371-08 by accepting the attached Exhibit "A". Motion carried.

Motion made by Councilman Jech, seconded by Councilman Day, to adopt Resolution No. 371-08 as amended.

Auditor Kish - Stated that there are several funds throughout the year that rely on funding from other sources outside the City and, at the end of the year, they may require a short term loan from the City's General Fund and/or the Capital Improvement Fund depending on the nature of the expenditure. The advances, or loan, will be repaid after the beginning of the year so that the respective funds finish with a zero balance.

Yes: Jech, Napoli, Ramser, Regas, Tuma, Brennan, Day, Galinas.

No: None; Resolution No. 371-08 is adopted as amended.

LEGISLATION TO BE RECONSIDERED:

ORDINANCE NO. 331-08 11/17/08 L-331-08
BY: **M. GALINAS**, R. J. JECH, L. NAPOLI, K. RAMSER, T. REGAS, S. TUMA
(By Request - Mayor) S. P. BRENNAN, N. CELEBREZZE, B. DAY

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER
INTO A CONTRACT WITH REDFLEX TRAFFIC SYSTEMS,
INC. FOR THE PURPOSES OF PROVIDING SPEED CAMERA
SERVICES IN SCHOOL ZONES IN THE CITY OF PARMA,
AND DECLARING AN EMERGENCY

Motion made by Councilman Tuma, seconded by Councilman Day, to
Reconsider Ordinance No. 331-08, Motion carried.

Motion made by Councilman Tuma, seconded by Councilman Day to amend
Reconsidered Ordinance No. 331-08 by accepting the attached Exhibit "A". Motion
carried.

Mayor DePiero - Stated the reason for the Reconsideration is because a
couple of days after passage of the Ordinance, Law Director Dobeck indicated that
the final contract was completed. He wanted Council to have that final contract.
There have been no changes but the final contract was negotiated and, therefore,
being attached to this Ordinance. It was either delete the contract from the
Ordinance, pass another Ordinance, or have it Reconsidered.

Councilman Tuma - Stated that there is a clause in the Ordinance which
allows us to terminate it if we should want to do so.

Councilman Jech - Asked if these cameras would be there only during the
times that the lights are flashing for the twenty mile per hour speed limit in the
school zones, not during any other times during the day. Is that correct?

Mayor DePiero - Stated that is correct.

Councilwoman Galinas - Stated that some of the school zones are not
marked as well as they might be, and one on Stump Road in my Ward, a newer
school, does not have the flashing lights at all. I would like to see these cameras
used to safeguard our children, but being fair to motorists, I would like to make sure
that we're only using the flashing lights in well designated school zones.

Safety Director Baeppler - Stated that a school zone is a school zone,
whether there is a flashing light or not, as long it is properly marked and there is
visible signage. School zones do not have to have flashing lights.

Councilman Jech - Asked the Safety Director if that means that zone is 20
miles per hour eight hours a day? The sign may say school zone but they don't say
during what time period during the day.

Safety Director Baeppler - Stated "no", obviously it is not a school zone at
nine o'clock at night or ten o'clock in the morning. Other comments were inaudible.

Councilman Brennan - Stated he received feedback from many residents which has been very positive. One of the comments he had from residents was that this sort of gives Redflex the incentive to ticket, but the contract specifically points out that the decision to issue a citation shall be the sole unilateral and exclusive decision of the authorized employee, in other words the City of Parma. So, Red Flex does not have the authority to issue a ticket unless they have been given the okay from us.

Mr. Germana - Stated that it is prudent that we have a complete contract, because if anytime in the future, be it next year or a decade from now, if there was a need in the City where we had a dangerous area or a tremendous amount of accidents, if that Council or Administration decided to do something more with Red flex, we wouldn't have to renegotiate an expensive contract, and we would be ready to go, but as it stands now, the intention is just use it for school zone speeding.

Councilman Jech - Stated that since this is a safety issue, when there are just signs that designate the school zone, and no flashing lights, a motorist may not be paying attention without the flashing lights and speed through the school zone with the possibility of hitting one of the kids and get a ticket, but it's too late if a kid has been hurt. Stated that we need to designate these areas more clearly with flashing lights at the correct times, Stated, that he does not pay attention to the school zone as far as the hours go when just driving down the street.

Mayor DePiero - Reminded Council that when the cameras are operating, there will be appropriate signage posted in that area. There is another layer of protection for motorists that they can be potentially caught on camera when they are driving into a zone where a camera is set up. This would be an additional warning that you should slow down when near a school.

Councilman Tuma - Asked a question pertaining to the termination clause with respect to the survival of the agreement listed on Page 11, Section 6.4 Survival, "notwithstanding the foregoing, the following shall survive the termination of this agreement and one of those being indemnification and liability. What is that in reference to as far as indemnification?

Mr. Miller - Since this final draft has been negotiated, that's one of the issues that was addressed. We have no indemnification responsibilities toward Redflex. They do have some towards us.

Mr. Germana - It has been moved and seconded to adopt as amended. Roll Call.

Yes: Jech, Napoli, Ramser, Regas, Tuma, Brennan, Day, Galinas.

No: None; Reconsidered Ordinance No. 331-08 is adopted as amended.

REPORT ON ABSENT MEMBERS

Motion made by Councilman Day, seconded by Councilman Jech, to excuse Councilman Celebrezze. Motion carried.

Mr. Germana - Reminded everyone that our regular scheduled Council Meeting will be a double header starting at 6:00 p.m. on January 5th.

ADJOURNMENT

Motion made by Councilman Jech, seconded by Councilman Day, to adjourn said Special Council Meeting. Motion carried.

CERTIFICATION

I, Thomas Mastroianni, Clerk of Council for the City of Parma, Ohio, do hereby certify this to be a true and correct copy of the Minutes of the Special Council Meeting held on Monday, December 29, 2008.

THOMAS MASTROIANNI
CLERK OF COUNCIL

CHARLES M. GERMANA
PRESIDENT OF COUNCIL

Meeting adjourned at 7:10 P.M.

mt

(Minutes completed January 7, 2009)